

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,)

4 Plaintiff,)

5 WALKER RIVER PAIUTE TRIBE,)

6 Plaintiff-Intervenor,)

7 v.)

8 WALKER RIVER IRRIGATION DISTRICT,)
9 a corporation, et al.,)

10 Defendants.)

11 _____)
12 MINERAL COUNTY,)

13 Proposed Plaintiff-Intervenor,)

14 v.)

15 WALKER RIVER IRRIGATION DISTRICT,)
16 a corporation, et al.,)

17 Proposed Defendants.)
18 _____)

IN EQUITY NO. C-125-RCJ-WGC
SUBFILE NO. C-125-C

3:73-CV-00128-RCJ-WGC

**[PROPOSED]
ORDER CONCERNING STATUS OF
REMAINING PROPOSED
DEFENDANTS TO BE SERVED VIA
RULE 4 SERVICE**

19 This Order follows Mineral County's filing of its *Report Concerning Status of Rule 4*
20 *Service on Final List of Proposed Defendants*, Case No. C-125, Subproceeding C-125-C
21 (January 9, 2013, Doc. No. 654), its *Supplement to January 9, 2013, Report Concerning Status*
22 *of Rule 4 Service on Final List of Proposed Defendants*, Case No. C-125, Subproceeding C-
23 125-C (February 7, 2013, Doc. No. 662), and this Court's review of this matter during its Status
24 Conference on February 7, 2013.

25 The Court hereby APPROVES AND ORDERS the relief requested therein by Mineral
26 County.
27
28

1 Attachment A to this Order is a list of persons and entities for whom the Court has
2 determined that SERVICE IS COMPLETE, based on the above Service Reports. Attachment
3 B to this Order is a list of persons and entities who are hereby DISMISSED from this action
4 pursuant to this Order. Attachment C to this Order is a list of persons and entities who are
5 hereby substituted into this case as Proposed Defendants pursuant to this Order. Mineral
6 County shall complete Rule 4 service as to the persons and entities listed in Attachment C in
7 accordance with the Court's Order of August 2, 2013 (Doc. No. 605). Attachment D to this
8 Order contains one correction to the caption in this case. Attachment E to this Order contains
9 the final list of Proposed Defendants to be served pursuant to Fed. R. Civ. P. 4. In accordance
10 with the Court's Order of August 2, 2012, (Doc. No. 605), Mineral County shall complete Rule
11 4 service on the persons and entities listed in Exhibit E by March 1, 2013. Mineral County
12 shall file an updated caption reflecting the above ordered dismissals, substitutions, and
13 correction by March 1, 2013.
14
15

16
17 IT IS SO ORDERED this ____ day of _____, 2013.
18
19

20 _____
21 UNITED STATES MAGISTRATE JUDGE
22
23
24
25
26
27
28

///
///
///

Respectfully submitted this 7th day of February, 2013,

/s/ Simeon M. Herskovits

Simeon M. Herskovits, Nevada Bar No. 11155
Advocates for Community and Environment
P.O. Box 1075
El Prado, New Mexico 87529
Phone: (575) 758-7202
Fax: (575) 758-7203
Email: simeon@communityandenvironment.net

/s/ Sean A. Rowe

Sean A. Rowe, Nevada Bar No. 10977
Mineral County District Attorney
P.O. Box 1210
Hawthorne, Nevada 89415
Phone: (775) 945-3636
Fax: (775) 945-0740
Email: srowe@mineralcountynv.org

Attorneys for Mineral County

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

1			
2			
3	UNITED STATES OF AMERICA,)	
4)	
5	Plaintiff,)	
6)	
7	WALKER RIVER PAIUTE TRIBE,	)	IN EQUITY NO. C-125-RCJ-WGC
8		)	SUBFILE NO. C-125-C
9	Plaintiff-Intervenor,)	
10		)	3:73-CV-00128-RCJ-WGC
11	v.)	
12	WALKER RIVER IRRIGATION DISTRICT,	)	ATTACHMENT A TO THE
13	a corporation, et al.,	)	ORDER CONCERNING STATUS OF
14		)	REMAINING PROPOSED
15	Defendants.	)	DEFENDANTS TO BE SERVED VIA
16		)	RULE 4 SERVICE: LIST OF
17		)	PROPOSED DEFENDANTS FOR
18		)	WHOM SERVICE IS COMPLETE
19)	
20)	
21	MINERAL COUNTY,)	
22)	
23	Proposed Plaintiff-Intervenor,)	
24)	
25	v.)	
26)	
27	WALKER RIVER IRRIGATION DISTRICT,)	
28	a corporation, et al.,)	
)	
	Proposed Defendants.)	
)	

The Court has determined that service is complete upon the following persons and entities in this action pursuant to the *Order Concerning Status of Remaining Proposed Defendants To Be Served Via Rule 4 Service*:

1. Richard Taylor Adams
2. Arrache 1990 Living Trust, Ronald B. Arrache, Trustee
3. Juan and Carmel Arrache Family Trust, Ronald B. Arrache, Trustee
4. Kathy S. Blackford
5. Joseph M. Bozsik
6. Leslie Bradshaw
7. Pauline Bradshaw
8. Susan L. Brown
9. Jack E. Bush
10. Claudia C. Casey
11. Michael A. Casey
12. Centennial Livestock, A California General Partnership
13. Loretta L. Chesnutt
14. Richard W. Chesnutt

- 1 15. Heather Cooper
- 2 16. Jack Allen Cooper
- 3 17. Robert Lewis Cooper
- 4 18. Sandra K. Day
- 5 19. Stephen R. Day
- 6 20. Daniel E. & Cherryl A. Del Porto Family Trust, Daniel E. & Cherryl A. Del Porto,
Trustees
- 7 21. Dixon Family 1994 Trust, Robert E. and Judith E. Dixon, Co-Trustees
- 8 22. Lona Marie Domenici-Reese
- 9 23. Tammy M. Dunn Revocable Family Trust dated January 29, 1997, Robert S. and
Tammy M. Dunn, Trustees
- 10 24. Mario J. Durazzo
- 11 25. Brett A. Emery 1999 Revocable Trust UDT dated December 27, 1999, Brett A. Emery,
Trustee
- 12 26. The Ewert Family 1995 Trust dated May 9, 1995, Lewis A. and Beverly J. Ewert,
Trustees
- 13 27. Carmen Ferch
- 14 28. The Louis and Erma Flasko Family Trust dated June 4, 1981 and re-stated May 27,
1982, Joi Luene Blackenbury and Premier Trust, Co-Trustees
- 15 29. Betty Floyd
- 16 30. Frank Floyd
- 17 31. James T. Fousekis Intervivos Trust, James T. Fousekis, Trustee
- 18 32. Susana Cox Fousekis Intervivos Trust, James T. Fousekis, Trustee
- 19 33. Don Ray Gable
- 20 34. Arden Gerbig
- 21 35. Evilo J. Gerbig
- 22 36. Gordon Revocable Trust, dated June 24, 2002, Guy Gordon and Gaye Ekholm Gordon,
Trustees
- 23 37. Marlene S. Greggersen
- 24 38. Jon W. Hopkins
- 25 39. Lisa M. Hopkins
- 26 40. Richard C. Huntsberger
- 27 41. Coale Robert Johnson
- 28 42. Casey M. Jones
43. Mary C. Jones
44. Mary E. Jurica
45. Esther I. Lamb
46. Michael E. Lamb
47. William David Manha
48. Dena L. Mattice
49. John E. Mattice
50. Joann A. McMinn
51. Robert L. McMinn
52. Mica Farms, LLC
53. Moreda Dairy
54. Morgan Family 1996 Trust, James R. Morgan, Trustee
55. Delores N. Munson
56. Nesmith Family Trust Agreement
57. Nevada Bighorns Unlimited

- 1 58. Peri & Peri, LLC
- 2 59. Presto Family Trust Agreement dated August 16, 1990
- 3 60. Rene Presto
- 4 61. James E. and Karen M. Purrell Family Trust
- 5 62. William S. & Charlotte F. Rauber Declaration of Trust
- 6 63. Lucy Rechel
- 7 64. Ritter Family Trust, John G. Jr. & Lucille, Trustees
- 8 65. Lucille Ritter
- 9 66. Sandra J. Robison
- 10 67. Romero Family Trust, Benito Antonio & Linda Irene Romero, Co- Trustees
- 11 68. Cherie C. Rye
- 12 69. Stephen B. Rye
- 13 70. Paul P. Sans
- 14 71. Keith Savage
- 15 72. Virginia Savage
- 16 73. Michael Duane Sceirine
- 17 74. Michael Sherlock
- 18 75. Sandra J. Shipley
- 19 76. Walter D. Shipley
- 20 77. Sierra Land & Sheep, LLC
- 21 78. Eunice Sjolín
- 22 79. The Grant B. and Gaila M. Smith 1996 Revocable Trust dated November 22, 1996
- 23 80. Travis S. Smith
- 24 81. Jim Snyder
- 25 82. Soilfume, Inc.
- 26 83. Sovereign Enterprises, LLC
- 27 84. Sweetwater Land & Cattle Company
- 28 85. Terschluse Family Trust, Robert William and Marie Louisa Terschluse, Trustees
86. Trust for Public Land
87. Vernon F. Bryan, Inc.
88. Lauren Ward
89. Mary Margaret Ward
90. Weaver Properties, LLC
91. The Weiser Living Trust dated February 28, 2002
92. Darlene S. Zipwald

1 **UNITED STATES DISTRICT COURT**
2 **FOR THE DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,)

4 Plaintiff,)

5 WALKER RIVER PAIUTE TRIBE,)

6 Plaintiff-Intervenor,)

7 v.)

8 WALKER RIVER IRRIGATION DISTRICT,)
9 a corporation, et al.,)

10 Defendants.)

11 _____)
12 MINERAL COUNTY,)

13 Proposed Plaintiff-Intervenor,)

14 v.)

15 WALKER RIVER IRRIGATION DISTRICT,)
16 a corporation, et al.,)

17 Proposed Defendants.)
18 _____)

IN EQUITY NO. C-125-RCJ-WGC
SUBFILE NO. C-125-C

3:73-CV-00128-RCJ-WGC

**ATTACHMENT B TO THE
ORDER CONCERNING STATUS OF
REMAINING PROPOSED
DEFENDANTS TO BE SERVED VIA
RULE 4 SERVICE:
LIST OF PROPOSED DEFENDANTS
TO BE DISMISSED**

19 The following persons and entities are DISMISSED, without prejudice, from this action
20 pursuant to the *Order Concerning Status of Remaining Proposed Defendants To Be Served Via
Rule 4 Service*:

- 21 1. Gregory Burton Adams
- 22 2. Norman Annett
- 23 3. Blanton Family Trust dated May 24, 1997
- 24 4. Vernon F. Bryan
- 25 5. Clearview Ranch
- 26 6. Desert Hills Dairy, LLC
- 27 7. Paul(a) A. Greggersen
- 28 8. Karen Lund Hardy
9. Patricia Hervin
10. Marjorie Ann Jones
11. Cecelia Perumean Trust, Peter Perumean Jr., Trustee
12. Patricia Simmons
13. Gilbert C. Wedertz
14. Arnold Settlemyer

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)

Plaintiff,)

WALKER RIVER PAIUTE TRIBE,)

Plaintiff-Intervenor,)

v.)

WALKER RIVER IRRIGATION DISTRICT,
a corporation, et al.,)

Defendants.)

MINERAL COUNTY,)

Proposed Plaintiff-Intervenor,)

v.)

WALKER RIVER IRRIGATION DISTRICT,
a corporation, et al.,)

Proposed Defendants.)

IN EQUITY NO. C-125-RCJ-WGC
SUBFILE NO. C-125-C

3:73-CV-00128-RCJ-WGC

**ATTACHMENT C TO THE
ORDER CONCERNING STATUS OF
REMAINING PROPOSED
DEFENDANTS TO BE SERVED VIA
RULE 4 SERVICE:
LIST OF PERSONS AND ENTITIES
WHO ARE TO BE SUBSTITUTED AS
PROPOSED SUCCESSOR-IN-
INTEREST DEFENDANTS**

The following persons and entities are SUBSTITUTED as Proposed Defendants in this action pursuant to the *Order Concerning Status of Remaining Proposed Defendants To Be Served Via Rule 4 Service*:

1. Norman W. & Kellie J. Annett Family Trust, Norman W. Annett and Kellie J. Annett, Co-Trustees (to be substituted for Norman Annett)
2. Sancho Rancho, LLC (to be substituted for Blanton Family Trust dated May 24, 1997, Christopher and Madelyn Blanton, Trustees)
3. David and Karen Hardy Family Trust, David E. and Karen L. Hardy, Trustees (to be substituted for Karen Lund Hardy)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

1			
2			
3	UNITED STATES OF AMERICA,)	
)	
4	Plaintiff,)	
)	
5	WALKER RIVER PAIUTE TRIBE,	)	IN EQUITY NO. C-125-RCJ-WGC
		)	SUBFILE NO. C-125-C
6	Plaintiff-Intervenor,)	
		)	3:73-CV-00128-RCJ-WGC
7	v.)	
		)	ATTACHMENT D TO THE
8	WALKER RIVER IRRIGATION DISTRICT,	)	ORDER CONCERNING STATUS OF
9	a corporation, et al.,	)	REMAINING PROPOSED
		)	DEFENDANTS TO BE SERVED VIA
10	Defendants.	)	RULE 4 SERVICE:
		)	CORRECTION TO THE CAPTION
11	_____)	
)	
12	MINERAL COUNTY,)	
)	
13	Proposed Plaintiff-Intervenor,)	
)	
14	v.)	
)	
15	WALKER RIVER IRRIGATION DISTRICT,)	
16	a corporation, et al.,)	
)	
17	Proposed Defendants.)	
	_____)	

The Court has determined that the following correction to the caption in the above case shall be made pursuant to the *Order Concerning Status of Remaining Proposed Defendants To Be Served Via Rule 4 Service*:

1. Albert Raymond Sandoval is hereby removed from the caption as Trustee of Sandoval Family Trust U/D/T March 12, 2001, Albert Raymond and Cecilia Lillian Sandoval, Trustees. The Sandoval Family Trust U/D/T March 12, 2001, Cecilia Lillian Sandoval Trustee, will remain in the caption.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

1			
2			
3	UNITED STATES OF AMERICA,)	
)	
4	Plaintiff,)	
)	
5	WALKER RIVER PAIUTE TRIBE,	)	IN EQUITY NO. C-125-RCJ-WGC
		)	SUBFILE NO. C-125-C
6	Plaintiff-Intervenor,)	
		)	3:73-CV-00128-RCJ-WGC
7	v.)	
		)	ATTACHMENT E TO THE
8	WALKER RIVER IRRIGATION DISTRICT,	)	ORDER CONCERNING STATUS OF
9	a corporation, et al.,	)	REMAINING PROPOSED
		)	DEFENDANTS TO BE SERVED VIA
10	Defendants.	)	RULE 4 SERVICE:
		)	FINAL LIST OF PROPOSED
11		)	DEFENDANTS TO BE SERVED
12	MINERAL COUNTY,	)	PURSUANT TO FED. R. CIV. P. 4
)	
13	Proposed Plaintiff-Intervenor,)	
)	
14	v.)	
)	
15	WALKER RIVER IRRIGATION DISTRICT,)	
16	a corporation, et al.,)	
)	
17	Proposed Defendants.)	
18)	

The following persons and entities are the final remaining Proposed Defendants to be served via Fed. R. Civ. P. 4 service pursuant to the *Order Concerning Status of Remaining Proposed Defendants To Be Served Via Rule 4 Service*:

1. State of California
2. Norman W. & Kellie J. Annett Family Trust, Norman W. Annett and Kellie J. Annett, Co-Trustees
3. Sancho Rancho, LLC
4. David and Karen Hardy Family Trust, David E. and Karen L. Hardy, Trustees

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of February, 2013, I electronically filed the foregoing **[PROPOSED] ORDER CONCERNING STATUS OF REMAINING PROPOSED DEFENDANTS TO BE SERVED VIA RULE 4 SERVICE** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses that are registered for this case; and I further certify that on this 7th day of February, 2013, I caused a hard copy of the forgoing to be served on the following non CM/ECF primary Defendant participants by U.S. Mail, postage prepaid:

Athena Brown, Superintendent
Western Nevada Agency
Bureau of Indian Affairs
311 E. Washington Street
Carson City, NV 89701-4065

Arthur B. Walsh
Los Angeles City Attorney's Office
P.O. Box 51-111
111 North Hope Street, Suite 340
Los Angeles, CA 90054

Dist. Attorney for Lyon County
31 South Main Street
Yerington, NV 89447

State Engineer - Division of Water
Resources
State of Nevada
901 S. Stewart St., Suite 202
Carson City, NV 89701

Leo Drozdoff
Dept. of Conservation & Natural Res.
State of Nevada
901 S. Stewart St.
Suite 1003
Carson City, NV 89701

1 I further certify that I served a copy of the foregoing **[PROPOSED] ORDER**
2 **CONCERNING STATUS OF REMAINING PROPOSED DEFENDANTS TO BE**
3 **SERVED VIA RULE 4 SERVICE** on the following non-CM/ECF participants, by U.S Mail,
4 postage prepaid, this 7th day of February, 2013:

5 Presto Family Trust Agreement
6 Beatrice Presto, et al., Trustees,
7 1462 Douglas Avenue
8 Gardnerville, NV 89410

Renee Presto
1792 Solitude Lane
Gardnerville, NV 89410

9 Pauline Bradshaw
10 P.O. Box 55
Wellington, NV 89444

Leslie Bradshaw
P.O. Box 55
Wellington, NV 89444

11
12 /s/ Iris Thornton
13 Iris Thornton
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28